

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

DAVID JESSE BROWN,

Plaintiff,

v.

WASHINGTON STATE UNIVERSITY,
DAVID SPROTT, CHERYL OLIVER,
LAURA THOMLE, ASHLEY FAGERLIE,
EVAN HURI, CAITLIN MACKAY, JOHN
OR JANE DOE STUDENT I, JOHN OR
JANE DOE STUDENT II, JOHN OR
JANE DOE STUDENT III, JOHN OR
JANE DOE STUDENT IV, JOHN OR
JANE DOE STUDENT V, ROGER
SANDBERG, CHRISTIAN WUTHRICH,
LISA MCINTYRE, WAYNE POPESKI,
SEAN FALCON, JOSH HART, EDWIN
HAMADA, ANITA CORY, MELYNDA
HUSKEY, DANIELLE HESS, HOWARD
GRIMES, JOHN OR JANE DOE VII,
RALPH JENKS, LINDA NELSON, MONTE
GRIFFIN, LORI WUEST, MIKE DODD,
JOHN OR JANE DOE STUDENT VI,
SUNG K. AHN, BERNARD WONG-ON-
WING, SUSAN HE, KEN BUTTERFIELD,
BABU JOHN MARIADOSS, HARRY
TURTLE, YANY GREGOIRE, ROBERT
GREENBERG, K.D. JOSHI, and
CHARLES MUNSON, in their
official and individual
capacities,

Defendants.

NO. CV-11-0079-EFS

**ORDER ENTERING RULINGS FROM
OCTOBER 13, 2011 HEARING**

A hearing was held in the above-captioned matter on October 13, 2011. As required by the Court's September 20, 2011 Order, ECF No. 44,

1 Jarold Cartwright appeared on behalf of Defendants. Plaintiff David
2 Jesse Brown did not appear in person, but participated telephonically.
3 Before the Court were two motions: Plaintiff's Motion to Stay
4 Proceedings, ECF No. [15](#), and Defendants' Motion for Protective Order re:
5 Ex Parte Contact and Sanctions, ECF No. [39](#). At the hearing, Mr. Brown
6 also made an oral motion to continue the hearing. This Order
7 memorializes and supplements the Court's oral rulings.

8 **I. Mr. Brown's Oral Motion to Continue**

9 During the hearing, Mr. Brown orally moved the Court to continue the
10 hearing on Defendants' motion so that he could have time to properly file
11 documents that he submitted to the Court and Mr. Cartwright via facsimile
12 on October 12, 2011. Though the Court has repeatedly refused Mr. Brown's
13 requests for exemption from Local Rule 5.1(c), which states that courts
14 in the Eastern District of Washington will not accept documents submitted
15 by facsimile, the Court read and considered these documents at the
16 hearing. Accordingly, as the Court reviewed the documents that Mr. Brown
17 requested, Mr. Brown's oral motion to continue is denied.

18 **II. Mr. Brown's Motion to Stay Proceedings**

19 On May 5, 2011, Mr. Brown moved to stay proceedings in this lawsuit,
20 ECF No. [15](#), asking the Court to stay this matter pending resolution of
21 his proceedings in the Washington state courts. For the reasons
22 articulated on the record, and because the Court holds Mr. Brown to the
23 same standards of diligence and compliance with Court Orders as any party
24 that asserts a cause of action, this motion is denied.

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1 **III. Defendants' Motion for Protective Order and Sanctions**

2 On September 19, 2011, Defendants filed a motion for a protective
3 order and for sanctions against Mr. Brown. ECF No. [39](#). Defendants
4 request an order prohibiting Mr. Brown from directly contacting
5 represented parties, and ask the Court to impose monetary sanctions
6 against Mr. Brown for his non-compliance with the Court's Orders.

7 As stated during the hearing, the Court finds good cause to prohibit
8 Mr. Brown from directly contacting represented parties. The very same
9 considerations behind Washington Rule of Professional Conduct 4.2's
10 prohibition on attorneys directly contacting represented parties are
11 implicated when a pro se plaintiff contacts represented parties directly.
12 *See, e.g., Bisciglia v. Lee*, 370 F. Supp. 2d 874, 879 (D. Minn. 2005)
13 (prohibiting pro se plaintiff from directly contacting represented
14 parties in accord with Minnesota Rule of Professional Conduct 4.2);
15 *Gaines-Hanna v. Farmington Pub. Sch. Dist.*, No. 04-CV-74910-DT, 2006 WL
16 891434, at *1 (E.D. Mich. March 31, 2006) ("Although plaintiff, as a non-
17 attorney, is not technically bound by the Rules of Professional Conduct,
18 in her capacity as a *pro se* plaintiff she is nevertheless required to
19 refrain from directly contacting the named defendants in accordance with
20 Rule 4.2."). Accordingly, the Court grants Defendants' motion for a
21 protective order. **Mr. Brown is prohibited from directly contacting any**
22 **of the Defendants in this lawsuit regarding matters relating to the**
23 **lawsuit; any contact that Mr. Brown has with the Defendants in this**
24 **lawsuit, including for purposes of service and discovery, must be through**
25 **Defendants' attorney, Mr. Cartwright.**

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1 **IV. Monetary Sanctions**

2 Defendants' motion for protective order also includes a request that
3 the Court impose monetary sanctions against Mr. Brown. Though the Court
4 declines to impose sanctions against Mr. Brown at this time, **Mr. Brown**
5 **is strongly cautioned that any violation of the Court's Order prohibiting**
6 **him from directly contacting any of the Defendants in this lawsuit, or**
7 **any other Order of the Court, will result in the imposition of monetary**
8 **sanctions against him. Furthermore, Mr. Brown shall personally attend**
9 **at all further proceedings in this matter unless 1) he has properly filed**
10 **a request with the Court to appear telephonically at least one week in**
11 **advance, AND 2) the Court has granted that request.**

12 For the foregoing reasons, **IT IS HEREBY ORDERED:**

13 1. Plaintiff's Motion to Stay Proceedings, **ECF No. 15**, is **DENIED**.

14 2. Plaintiff's Oral Motion to Continue Hearing is **DENIED**.

15 3. Defendants' Motion for Protective Order re: Ex Parte Contact and
16 Sanctions, **ECF No. 39**, is **GRANTED in part** (protective order) and **DENIED**
17 **in part** (sanctions).

18 4. Plaintiff Mr. Brown shall not directly contact any of the
19 Defendants named in this lawsuit regarding this lawsuit. Violation of
20 this Order shall result in the imposition of monetary sanctions.

21 **IT IS SO ORDERED.** The District Court Executive is directed to enter
22 this Order and provide copies to Plaintiff and counsel.

23 **DATED** this 14th day of October 2011.

24
25 s/Edward F. Shea

EDWARD F. SHEA

United States District Judge

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